IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8080 OF 2006

Pramod Ramchandra Kulkarni ...Petitioner

vs.

Ramesh Prabhakar Barve ...Respondent

Mr.G.S.Godble for the Petitioner
Mr.P.G.Karande for the Respondent.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 5,2007.

P.C.:

1. By this Petition under Article 227 of Constitution of India, the Petitioner-Plaintiff has challenged the concurrent orders passed against him. The Petitioner is the original Plaintiff who filed a suit for perpetual injunction for protecting his possession. In the suit the Petitioner claimed that he is an agricultural tenant in possession. The Trial Court rejected the Application for temporary injunction and the said order has been confirmed in an Appeal.

2. It is an admitted position that as of today the Petitioner has failed before the Authorities under the Bombay Tenancy and Agricultural Lands Act, 1948 to establish his plea of tenancy. It is well settled that grant of temporary injunction is governed by equitable considerations. Once the Plaintiff comes to the court and claims to be an agricultural tenant and he fails to prima facie prove the plea of tenancy, he is not entitled to any equitable relief. The discretionary order

passed by the Trial Court has been confirmed by the Appellate Court. Hence, Petition is rejected.

3. All observations made in this order are for considering the merits of the Petition and all contentions of the parties in the pending suit are kept open.

JUDGE